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10/628,219	07/28/2003	Russell E. Blette	58800US002	5459
32692 7590 04/12/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER ROWAN, KURT C	
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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/628,219
Filing Date: July 28, 2003
Appellant(s): BLETTE ET AL.

James Young
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Dec. 11, 2006 appealing from the Office
action mailed June 15, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3857645	KLEIN	12/31/1974
3998852	KLEIN	11/2/1976

2784518

BOYER

03/1957

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6-8, 14-15, 18 are rejected under 35 USC 103(a) as being unpatentable over Klein '645 in view of Klein '852.

Claims 9-11, 17 are rejected under 35 USC 103(a) as being unpatentable over Klein '645 as modified by Klein '852 further in view of Boyer.

(10) Response to Argument

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the two piece construction or two piece slice system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to consider a two piece splice in Klein, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge is generally available to one of ordinary skill in the art. Applicant argues that there is no

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motivation to provide Klein with a two piece splice system and further argues that Klein is a unitary piece, but it is noted that Klein is a two piece system just like the present invention since leader L must be tied or knotted at some point.

Applicant argues that Klein '852 is marked different than the present invention and does not show a two piece splice system. However, Klein shows a male connector 41, 51 and a female connector 45, 46. The female connector is attached to snell S which can be considered to be a fishing line. Klein '852 is not cited to show the male connector attached to a second fishing line. Male connector 41 is connected to the female connector which is connected to snell S which again is a fishing line. Further male connector 41 could readily be connected to another line such as one tied to connector 41 at one end and having another hook at the other end to increase the chances of hooking the fish. This modification is readily apparent to those skilled in the art. Applicant further argues that Klein '852 shows only one fishing line, but Klein '852 is not cited to show two fishing lines (although two fishing lines would have been obvious as stated above). Klein '645 shows two fishing lines F and L as shown in Fig. 6.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Applicant argues that the petals of Klein '852 are not resilient, but inherently, all solid materials have some degree of resiliency. Hence, they will deform at least to a small amount and when inserted into Klein '645 in place of knot 31, the petals will expand after passing through passageway 22 and into socket 30. Klein '852 shows a domed head adjacent to the petals 51.

The present combination combines two prior art references that show all of the claimed subject matter by replacing the knot in the Klein '645 patent with the petals of the Klein '852 patent.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KR


KURT ROWAN
PRIMARY EXAMINER
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Conferees:

Jeff Gellner

Dave Parsley

